IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.2880 of 2006

DATE OF ORDER: 16.3.2007

Sanwar Mal Sharma

...Petitioner(s)

Versus

Rattan Singh and others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. R.A. Sheoran, Advocate.
Mr. Vinod Bhardwaj, Advocate.
Mr. S.K. Sharma, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 31.1.2006 passed by Additional District Judge, Bhiwani whereby matter was remitted to the trial Court to frame issues and allow the parties to lead evidence and then decide application under Order 9 Rule 13 CPC.

On behalf of the petitioner, it is argued that the decree had been passed on 6.5.1991 and before passing of the decree, respondent had put in appearance before the trial Court and after passing of the decree, there was some applications for correction of the decree, which was contested and respondent was present there and under these circumstances trial Court was justified in dismissing the application under Order 9 Rule 13 CPC filed by respondent No.1 Rattan Singh and there was no necessity for framing of issues or leading of evidence.

I have gone through the orders of both the Courts. Vide impugned order, the only direction issued had been that the application under Order 9 Rule 13 CPC be decided after framing of issues and permitting the parties to lead evidence. The matter had been remitted to the trial to do needful.

I do not find any infirmity. This petition is disposed of with the observation that the application u/o 9 Rule 13 CPC be decided expeditiously.

March 16, 2007 (M.M. AGGARWAL)
manoj JUDGE